

REMARKS

Initially, Applicant thanks the Examiner for accepting the drawings, which were filed with the United States Patent and Trademark Office on September 5, 2000, but which received a filing date of October 23, 2000.

In addition to filing a Response under 37 C.F.R. § 1.111 on October 28, 2003, Applicant concurrently submitted a replacement sheet of formal drawings (i.e., Figures 9A and 9B). Applicant respectfully submits that the replacement sheet of formal drawings is supported by the specification (e.g., Figure 4) and contains no new matter. Thus, the actual filing date of the drawings, including the replacement sheet of formal drawings, is October 23, 2000. However, Applicant respectfully submits that the Office Action Summary Form (PTOL-326) incorrectly cites October 28, 2003 as the filing date of the drawings (and not the correct filing date of October 23, 2000). Of course the date of October 28, 2003 is appropriate for the single sheet submitted on that date. Therefore, Applicant respectfully requests a correction in the next communication regarding all of the drawings.

Applicant also thanks the Examiner for acknowledging Applicant's Claim for Priority. As noted in the Response under 37 C.F.R. § 1.111 filed on October 28, 2003, the International Bureau already should have sent certified copies of the priority documents to the United States Designated Office. Accordingly, the Examiner is requested to indicate receipt of the certified copies of the priority documents in the next communication.

Further, Applicant notes that the request for a Substitute Specification has been withdrawn.

Upon entry of the above amendment, claims 1, 3, 6, 7, 11, and 14 will have been amended, claims 2, 4, 8, and 10 will have been canceled, and no claims will have been newly added. Accordingly, Applicant respectfully requests reconsideration and allowance of all claims in the present application together with withdrawal of the rejections.

Comments regarding Claim Amendments

Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) and 35 U.S.C. § 102(b) are both improper and inappropriate for at least the reasons set forth in the Response under 37 C.F.R. § 1.111 filed on October 28, 2003.

Nevertheless, in the interest of expediting passage of the application to issue, Applicant has amended the claims to substantially include the Examiner's indication of allowable subject matter with respect to incorporating the features of claim 4 into claim 1. Applicant has also made various cosmetic changes to the claims for clarity and has eliminated means-plus-function language. Additionally, Applicant has canceled claims 2, 4, 8, and 10.

Thus, since the above amendments were made in a sincere attempt by Applicant in advancing prosecution for a purpose unrelated to patentability and since the above

P19945.A10

amendments have not been specifically noted to overcome a rejection based upon the prior art, no estoppel should be deemed to attach thereto.

With respect to the finality of the Official Action, Applicant submits that further consideration should not be deemed necessary as the limitations recited in the claims pending in the present application have already been considered by the Examiner.

Furthermore, Applicant also reserves the right to submit broader claims in a continuing application. Should such broader claims be allowed while omitting features recited in the present claims, then the broader claims must be deemed to lack the omitted features because the omitted features would not be necessary for patentability.

Although Applicant agrees that the limitations, cited by the Examiner in the reasons for the indication of allowable subject, distinguish over the prior art of record, Applicant also notes that the patentability of the claims is also based on the totality of features recited therein, which define over the prior art.

Thus, Applicant submits that independent claims 1 and 11 are in condition for allowance. With regards to dependent claims 3, 5-7, and 12-14, Applicant asserts that they are allowable on their own merit, at least because they depend either directly or indirectly from independent claims 1 and 11, which Applicant has shown to be allowable. Accordingly, Applicant respectfully request reconsideration and withdrawal of the

P19945.A10

outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the herein-contained remarks.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, and an indication to such effect is respectfully requested.

SUMMARY AND CONCLUSION

Applicant believes that the present application is in condition for allowance, and respectfully request an indication to that effect. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

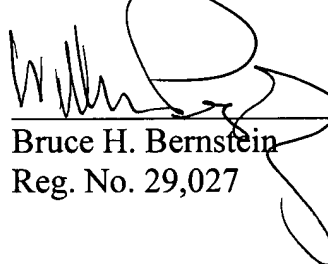
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

P19945.A10

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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